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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

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August 10, 1981

The Honorable William V. Roth, Jr.
Chairman, Committee on Governmental
Affairs
United States Senate

Dear Mr. Chairman,

Your June 19, 1981, letter requested our ^{of GAO} views regarding the provisions of S. 1325, a bill to reform the laws relating to former Presidents. The bill proposes a number of amendments to the Presidential Libraries Act of 1955, Former Presidents Act of 1958 (Public Law 85-745), and the Presidential Transition Act of 1963. Many of the amendments are consistent with the conclusions and recommendations made in our report on the "Audit of Ford-Carter Presidential Transition Expenditures" (GGD-78-36, Dec. 23, 1977), and our testimony before the Treasury, Postal Service, and General Government Subcommittee of the Senate Committee on Appropriations on November 6 and 7, 1979. There are, however, several issues we identified in the report and testimony which are not addressed in S. 1325.

The following presents our views regarding S. 1325 along with our recommendations for dealing with the issues not addressed in the bill.

PRESIDENTIAL LIBRARIES

We believe the provisions of Title I of the bill will help limit the growth of costs of Presidential libraries. In our November 6, 1979, testimony concerning expenditures for operating and maintaining Presidential libraries, we concluded that the size and costs of most Presidential libraries exceeded what was intended by the Presidential Libraries Act. On the basis of information presented in that testimony, we believe that the 40,000 square feet limit on the depository size proposed in S. 1325 should be adequate to accomplish the primary mission of a Presidential library to preserve Presidential papers and make them available for research.

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DETAILS OF FEDERAL EMPLOYEES

Section 202(a) of the bill provides that any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. However, the bill does not prescribe a limit on the periods of such details. In our November 7, 1979, testimony we recommended that the Former Presidents Act of 1958 be amended to authorize the detailing of Government employees on a reimbursable basis during the fiscal year in which the transition occurs.

During the first fiscal year of a transition, a former President usually experiences a high level of activity and requires a larger staff than in succeeding years. After the initial transition period, a former President's activities should stabilize at a level that could be adequately handled by the permanent office staff. Accordingly, we recommend that the bill be modified to limit the authority for employee details to the fiscal year in which the transition occurs.

USE OF GOVERNMENT OR CHARTERED AIRCRAFT

As pointed out in our November 7, 1979, testimony, a number of issues associated with the use of Government or chartered aircraft by a former President need clarification. The bill does not address these issues.

We noted that the cost of military aircraft used by former President Ford was not charged to Transition Act funds, and the assignment of these aircraft was based on a Department of Justice determination that such aircraft could be assigned for either official or personal purposes. We do not believe that the President has the authority to assign military aircraft to a former President without reimbursement. During the transition the former President also traveled on some occasions on chartered flights on which the Secret Service paid part of the costs. The collections from the Secret Service were deposited in miscellaneous receipts.

To clarify the authority for the use of military or chartered aircraft by a former President, the appropriation to be charged, and the disposition of any receipts from the Secret Service and others accompanying a former President, we recommend the addition of a provision to the bill stating that:

- When authorized by the President, Government aircraft may be used by a former President for transition purposes. When deemed necessary for protective purposes, chartered aircraft may also be used by a former President in winding up the

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affairs of his Presidency. The cost of either Government or chartered aircraft should be paid with Former Presidents Act funds and any collections from the Secret Service or others for the use of space on chartered flights deposited to the credit of the Former Presidents Act appropriation.

PROVIDING FUNDS TO THE OUTGOING ADMINISTRATION

The bill provides for the repeal of section 4 of the Presidential Transition Act of 1963. As a result, funds would have to be available under the Former Presidents Act as soon as the outgoing administration leaves office. There is a natural reluctance on the part of an administration with a President running for reelection to request funds under the Former Presidents Act which would only become available to him if he is defeated. This reluctance is overcome in the Transition Act by a provision which requires a President to request an appropriation for each fiscal year in which his term will expire. We believe that a similar provision should be added to the Former Presidents Act of 1959. We therefore recommend the addition of a provision to the bill to require:

- The President to include in the budget transmitted to the Congress for the fiscal year in which his regular term of office expires a proposed appropriation providing sufficient funds to carry out the provisions of the Former Presidents Act as it would apply to him and the Vice President.

APPROVAL OF EXPENDITURES

During the Ford-Carter transition both the former President's staff and the former Vice President's staff were provided with Transition Act funds for deposit in checking accounts in private banks. The amounts advanced--\$5,000 and \$2,000, respectively--were relatively small, and we noted none of the problems encountered in the use of the much larger checking accounts made available to the Carter-Mondale staff. These smaller accounts were operated on an imprest basis, i.e., for minor expenses which were submitted to the General Services Administration frequently for approval and reimbursement to the checking account for the amount expended.

However, to prevent any problems which might arise from the use of such checking accounts in the future, we recommend that the bill be modified to limit, without prior approval by the General Services Administration, the expenditures that can be made under the Former Presidents Act to those made from the small imprest fund.

SHIPMENT OF PERSONAL EFFECTS

In our earlier work, we noted that questions were raised as to whether the Government clearly had authority to move the personal effects of the former President, the former Vice President, and their families. If it is the committee's intent that the Government bear these costs, we recommend that the bill be modified to specifically authorize the shipment of the personal effects of the former President and his family and the former Vice President and his family from their official residences in Washington, D.C., to locations in the United States selected by them.

SECRET SERVICE PROTECTION

We noted that the bill requires the Comptroller General to appoint the members of the Advisory Panel on Secret Service Protection which will review requests for additional Secret Service protection. This is a rather unique role for the Comptroller General, but we have no objection so long as the Comptroller General plays no part in the activities of the Advisory Panel.

We also noted that the bill does not provide for someone to chair the panel. In order to promote the orderly conduct of the Advisory Panel's business, we suggest that the bill be modified to provide a mechanism for the election or appointment of a member as chairperson.

Further, to facilitate the activities of the Advisory Panel on Secret Service Protection and the advisory committee established by the June 6, 1968, joint resolution, we recommend that both organizations be exempted from the requirements of the Federal Advisory Committee Act (Public Law 92-463).

SPOUSAL PENSIONS

Section 201, Title II, of the bill provides for changing the allowance for a spouse of a deceased former President from a flat dollar amount (currently \$20,000) to an amount equal to two-thirds of the allowance payable to a former President (currently \$69,630). Basing the amount of a surviving spouse's allowance on a percentage of the allowance received by a former President, rather than on a flat rate, would be consistent with the survivor benefit provisions found under all other Federal staff retirement systems. However, we would like to point out that the proposed two-thirds rate is in excess of any of the rates provided under other Federal systems. Under the civil service, foreign service, and military retirement systems the maximum annuity payable to a surviving spouse is an amount equal to 55 percent of a deceased former employee's earned pension. Surviving spouses of Federal judges

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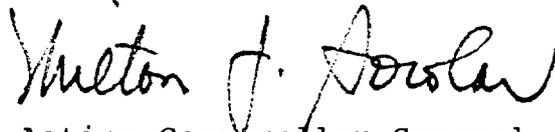
can receive no more than 40 percent of the average of the judges 3 highest years' salaries.

Annual allowances to former Presidents and their surviving spouses were first approved in 1958. Both allowances were stated as flat rates; former Presidents were entitled to \$25,000 and surviving spouses to \$10,000, which was 40 percent of a former President's allowance. In 1971 the allowance for former Presidents was increased to equal the salary of the head of an executive department. The allowance for surviving spouses became \$20,000. The survivor's allowance is now only 29 percent of that payable to a former President.

We agree that the annuity payable to the surviving spouses should be changed from a flat rate to a percentage of the allowance payable to a former President, but we believe that the percentage should more closely reflect that payable to survivors under other Federal retirement systems.

We hope that these comments will be useful to the committee in its consideration of the bill.

Sincerely yours,



Acting Comptroller General
of the United States